

FILED AT THE
FEDERAL COMMUNICATIONS COMMISSION

In the matter of FCC Wireless Bureau Release, No. DA 05-160, Grant of
Licenses in Auction No.58, Broadband Personal Communications Services...

AMEER FLIPPIN,		
Plaintiff/ Appellant		Auction Report No. AUC-58
vs.		WT Docket No. 05-149
FEDERAL COMMUNICATIONS		
COMMISSION, ET.AL.		
Respondents		

**MEMORANDUM IN SUPPORT OF EX-PARTE MOTION TO STAY THE
GRANT OF LICENSES IN AUCTION NO.58, BY PRO SE BIDDER
AMEER FLIPPIN**

On **June 7th, 2005**, The Wireless Telecommunications Bureau of the Federal Communications Commission issues a Public Notice announcing the Grant of Broadband Personal Communications Services (PCS) Licenses in Auction No.58. The announcement includes an Attachment A, which lists the entities which are being granted licenses. *GTE Pacifica*, Inc. d/b/a Verizon Pacifica is the sole entity listed in the public notice as being granted “*License No. MTA050 A WQCV808*,” with no intent for Tribal Land Bidding Credits. Public Notice DA 05-1610 is somewhat vague in announcing possible other license grants. Attachment C indicates that an online user should Search for “Granted Licenses,” using the ULS or Universal Licensing System. The “A block” license listed above is one of only two A Block licenses auctioned, which is allocated 30 Megahertz of Bandwidth and spans the frequency 1850-

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1865 or 1930-1945. The motion for Stay is being filed as a precautionary measure.

Factors Supporting the Motion

1. Jurisdiction

The Public Notice was issued on ***June 7th, 2005***, while jurisdiction remained in the Court of Appeals in the District of Columbia Circuit. The Order issued by Edwards, Randolph, and Garland of the Circuit Court was not released and filed until ***June 10th, 2005***. I, Ameer Flippin, received the order on ***June 16th, 2005***, whereby the envelop carrying the order was time stamped ***June 13th, 2005***, indicating the date of mailing. Jurisdiction remained in the Circuit Court of Appeals during the time the Public Notice was released. Additionally, any ramifications of the Order negatively affecting Ameer Flippin must be stayed pending a possible “*Petition for Certiorari*” to the United States Supreme Court for a minimum of 90 days from ***June 10th, 2005***. A Petition for Rehearing En Banc, Petitions for Extraordinary Writ, and a Certification of Law, all remain options which must be taken into consideration by the Federal Communications Commission when conforming to the Federal Rules of Appellate Procedure, Rules of the Supreme Court, and FCC Case Law. Additionally, I, Ameer Flippin, move to Stay all licenses

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pending “Review De Novo” either in the Circuit Court of Appeals or the U.S. Supreme Court.

2. Federal Rules of Appellate Procedure

Federal Rule 40 of Appellate Procedure addresses the time for filing where a government agency, the Federal Communications Commission, is a party involving a “*Petition for Panel Rehearing*.” The rule partially reads as follows:

Rule 40. Petition for Panel Rehearing

(a) Time to File; Contents, Answer; Action by the Court if Granted.

(1) Time. Unless the time is shortened or extended by order or local rule, a petition for panel rehearing may be filed within 14 days after entry of judgment. But in a civil case, if the United States or its officer or agency is a party, the time within which any party may seek rehearing is 45 days after entry of judgement, unless an order shortens or extends the time. ←→

3. Rules of the Supreme Court of the United States

Supreme Court Rule 13 addresses the time for filing involving a “*Petition for Review on Certiorari: Time for Petitioning*.” The rule partially reads as follows:

1. Unless otherwise provided by law, a petition for a writ of certiorari to review a judgment in any case, civil or criminal, entered by a state court of last resort or a United States court of Appeals (including the United States Court of Appeals for the Armed Forces) is timely when it is filed with the Clerk of this Court within 90 days after entry of the judgment. A petition for a writ of certiorari seeking review of a judgment of a lower state court that is subject to discretionary review by the state court of last resort is timely when it is filed with the Clerk within 90 days after entry of the order denying discretionary review.

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3. In Forma Pauperis Status

Title 28 United States Code, section 1915 (d) addresses the issue of “service of process” where In Forma Pauperis Status has been ordered. The statute partially reads as follows:

(d) *The officers of the court shall issue and serve all process, and perform all duties in such cases. Witnesses shall attend as in other cases, and the same remedies shall be available as are provided for by law in other cases.*

The three panel of Circuit Judges – Edwards, Randolph, and Garland have granted In Forma Pauperis status in this special case, thus freeing up the “*Execution of Service*” on all parties, including government agencies, and the Executive Branch by the United States Marshal. The statute touches on “Motioning for Discovery” in order to compel witnesses to testify in this case of “Conspiracy” implemented by law enforcement.

I declare “UNDER PENALTY OF PERJURY” that the foregoing is true and correct.

EXECUTION DATE _____
June 16th, 2005
Flippin

SIGNATURE _____
Pro Se Appellant, Ameer

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